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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,552	12/05/2001	Gary Jennings	BR8669	7086

7590 01/29/2004

The Black & Decker Corporation
701 East Joppa Road -TW199
Towson, MD 21286

EXAMINER

SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,552

Applicant(s)

JENNINGS ET AL. SW

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

*A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Specification

The title of the invention continues to be not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner suggests, for example: --A blind rivet having multiple radial indentations--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gossmann (US 5,496,140). Gossmann discloses a rivet comprising a mandrel (3) having a frangible portion (6) and a shell (2) having a flange (10) with a first (12) and second (11) sets of indentations along the shell spaced from the flange. Each of the indentations being non-continuous and non-secant shaped when viewed in a lateral direction transverse to the axial direction as in Fig. 1.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Smith (EPO 1 030 069). Smith discloses a rivet comprising a mandrel (4) having a frangible portion (not labeled) and a shell (2) having a flange (6) with a first (12) and second (14) sets of indentations along the shell spaced from the flange. As seen in Fig. 2, each of the

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indentations being non-continuous, as they are separated by members 16, and non-secant shaped.

Claim Rejections - 35 USC § 103

Claims 2-9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gossmann or Smith as applied to claim 1 above, and further in view of Lacey (US 4,958,971). Lacey teaches a rivet including a third indentation. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide Gossmann or Smith with a third set of indentations as taught in Lacey in order to better control the deformation characteristics of the rivet for overall superior performance. The specific dimensions would have been recognized depending upon the particular use of the rivet. Also, the rivet of modified Gossmann or Smith would be capable of use in combination with the workpiece components as claimed.

Claims 1-9 and 13-15 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Lacey (US 4,958,971) in view of Gossmann (US 5,469,140). Lacey discloses a rivet comprising a mandrel (13) having a frangible portion (19) and a shell (11) having a flange (16) with a first (27), second (28) and third (29) indentations along the shell spaced from the flange. Lacey discloses the indentations to be non-secant shaped however they are not non-continuous. Gossmann discloses a rivet having a shell with sets of indentations (11, 12) wherein the sets are non-continuous. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to

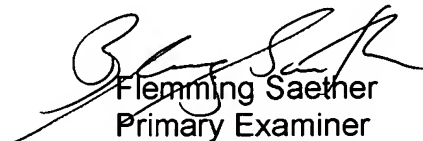
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form the indentations of Lacey in to non-continuous sets as disclosed in Gossmann in order to provide for a higher strength rivet connection. As discussed in Grossmann's Summary of the Invention the non-continuous sets of indentations lead to less material attenuation and thus a stronger rivet connection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Flemming Saether
Primary Examiner
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